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TRUST

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re Case No. 05-14659

THE LEGACY ESTATE GROUP, LLC,
formerly doing business as FREEMARK
ABBNEY WINERY, BYRON VINEYARD &
WINERY, and ARROWOOD VINEYARD &
WINERY

Debtor

Adv. No. 06-01173

OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF THE LEGACY ESTATE
GROUP, LLC,

Plaintiff,

v.

Case No. C 07-2943 PJH

**RENEWED MOTION
TO WITHDRAW REFERENCE**

1 JOHN M. BRYAN, JOHN M. AND
2 FLORENCE E. BRYAN TRUST, J.M. BRYAN
3 FAMILY TRUST, KULWINDER SIDHU,
4 DEVINDER SIDHU, PACIFIC PARAGON
5 INVESTMENT FUND LTD, a British Columbia
company, HARRY CHEW, and AIC CAPITAL
PARTNERS, LLC, a California limited liability
company

Defendants.

6
7 JOHN M. BRYAN, JOHN M. AND
8 FLORENCE E. BRYAN TRUST, J.M. BRYAN
FAMILY TRUST,

Defendants/Cross-Claimants,

v.

11 KULWINDER SIDHU, DEVINDER SIDHU,
12 PACIFIC PARAGON INVESTMENT FUND
LTD, a British Columbia company, HARRY
13 CHEW, AIC CAPITAL PARTNERS, LLC, a
California limited liability company, and
14 LAMINAR DIRECT CAPITAL, L.P., a Texas
limited partnership

Defendants/Cross-Defendants.

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17
18 The JFB Trust hereby renews its Motion to Withdraw the Reference with respect to the above
19 lawsuit, presently pending in the Santa Rosa Bankruptcy Court, and in support thereof respectfully
20 represents:

21 1. This Court previously requested that the Bankruptcy Court conduct an evidentiary
22 hearing to resolve the Motion to Withdraw the Reference. The Ninth Circuit has recently held that
23 this Court's right and duty to decide Motions to Withdraw the Reference cannot be circumscribed or
24 delegated: this Court, and not the Bankruptcy Court, must rule on the instant Motion.

25
26 2. After conducting an "evidentiary hearing" at which no facts were in dispute, the
27 Bankruptcy Court denied the JFB Trust's jury trial demand – and with it, the Motion to Withdraw the
28 Reference – on a showing that was insufficient as a matter of law.

